

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EDWARD BERNARD CLAY,

Petitioner,

3:05-cv-0558-RLH (RAM)

vs.

MINUTES OF THE COURT

ELDON K. McDANIEL, *et al.*,

Date: December 16, 2005

Respondents.

PRESENT:

THE HONORABLE ROBERT A. McQUAID, JR., UNITED STATES MAGISTRATE JUDGE

DEPUTY CLERK: LORI M. STORY REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER: NONE APPEARING

COUNSEL FOR RESPONDENTS: NONE APPEARING

MINUTE ORDER IN CHAMBERS: XXX

Petitioner has filed a "Motion for Reconsideration of Appointment of Counsel" (docket #6). In that document, petitioner requests appointment of counsel because he is unschooled in the law. This motion, as the previous motion and his petition have apparently been prepared by an inmate law clerk, Tony Williams. This inmate law clerk has done an admirable job thus far and petitioner has not indicated any reason that he might be unable to continue with Mr. Williams' help or with the help of other similarly qualified inmate assistance.

The United States Magistrate Judge has considered the request and finds that appointment of counsel remains unwarranted in this case. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such

